



Entered on Docket
September 01, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING SIXTH OMNIBUS
OBJECTION OF USACM TRUST TO
PROOFS OF CLAIM BASED UPON
INVESTMENT IN THE BAY POMPANO
BEACH LOAN**

Hearing Date: August 21, 2009
Hearing Time: 9:30 a.m.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Sixth Omnibus Objection of USACM Trust to
2 Proofs of Claim Based Upon Investment in the Bay Pompano Beach Loan” [Docket No.
3 7276] (the “Objection”); with appropriate notice of the Objection having been given; no
4 responses having been filed; and good cause appearing:

5 **IT IS HEREBY ORDERED** that:

- 6 1. The Objection is sustained;
- 7 2. The claims listed on **Exhibit A** attached are allowed as general
8 unsecured claims for the amount shown on **Exhibit A** as Unremitted
9 Principal; and
- 10 3. The remainder of those claims listed on **Exhibit A** are disallowed in
11 full.

12 PREPARED AND RESPECTFULLY SUBMITTED BY:

13 **LEWIS AND ROCA LLP**

14 By /s/ Marvin Ruth (#10979)

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23
24
25
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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

| | |
|---|---|
| U.S. Trustee: August Landis | |
| <input type="checkbox"/> approved the form of this order | <input type="checkbox"/> disapproved the form of this order |
| <input checked="" type="checkbox"/> waived the right to review the order and/or | <input type="checkbox"/> failed to respond to the document |
| Other Party: | |
| <input type="checkbox"/> approved the form of this order | <input type="checkbox"/> disapproved the form of this order |
| <input type="checkbox"/> waived the right to review the order and/or | <input type="checkbox"/> failed to respond to the document |

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ Marvin Ruth (#10979)

Rob Charles

John Hinderaker

Marvin Ruth

Attorneys for USACM Liquidating Trust

| Claim | Name | Address | Total Claim Amount | Unremitted Principal to be Allowed as Claim | Approximate Amount Subject to Objection |
|--------------------|----------------------------------|---|---------------------------|--|--|
| 10725-00496 | Graham Family Trust Dtd 10/26/78 | Robin B & Celia Allen Graham Ttees 1460 Twinridge Rd Santa Barbara, CA 93111-1223 | 49,672.48 | 36,857.92 | 12,814.56 |
| 10725-01381 | Fanelli, Mark | 244 Prospect St Leominster, MA 01453 | 116,635.00 | 36,857.92 | 79,777.08 |
| 10725-01096 | Donaldson, Arthur T | Po Box 307 Janesville, WI 53547-0307 | 2,200,000.00 | 49,143.90 | 2,150,856.10 |
| 10725-01004 | Preswick Corp | 1400 Colorado St Ste C Boulder City, NV 89005 | 321,992.29 | 98,287.80 | 223,704.49 |

EXHIBIT A